IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7307 OF 2005

GTL Ltd... .... Petitioner
V/s
State Bank of India & Ors... .... Respondents

Ms.A. Chandurkar i/by PDS Legal for the petitioner.

Mr.H. Bhave, adv. for the respondent No.1.

CORAM: V.G. PALSHIKAR
AND
D.B. BHOSALE, JJ.
21.10.2005.

PC:

Rule.

By consent of parties Rule made returnable forthwith.

By this petition the petitioner who is original defendant in the application before the Debt Recovery Tribunal sought by application Ex.30 permission to cross examine the officer of the Bank who has sworn the affidavit in support of the claim of the Bank. By order dated 25.1.2005 learned Member of the Debt Recovery Tribunal rejected the application. Appeal carried to the Debt Recovery Appellate Tribunal met with the same fate. Hence this petition.

2. The facility to lead evidence by way of affidavit is for convenience and early disposal of the litigation. It does not take away the right of the litigant to cross examine

the deponent stating something on oath before the Tribunal and that being the position there is no reason why the application Ex. 30 could have been rejected. In our opinion, it deserves to be allowed. Hence the petition is allowed. Order under appeal passed by the Debt Recovery Appellate Tribunal and the original order passed by the Debt Recovery Tribunal are set aside. The applicant is permitted to cross examine the witness to the extent mention in that application. Petition according disposed of.

21.10.05